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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,931	04/15/2004	Thomas A. Gentles	1842.048US1	7554

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EXAMINER	
MCCULLOCH JR, WILLIAM H	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
03/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,931	GENTLES ET AL.	
	Examiner	Art Unit	
	William H. McCulloch	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/24/04 and 7/28/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) with mailroom dates 5/24/04 and 7/28/05 were filed in compliance with the provisions of 37 CFR 1.97-1.98. Accordingly, the examiner has considered the information disclosure statements.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2002/0116615 to Nguyen et al. (hereinafter "Nguyen").

Regarding claims 1, 14, and 17, Nguyen teaches a system and method (stored on a computer readable medium) comprising: a game server (e.g., gaming software content provider 51 and/or software authorization agent 50) receiving a request, over a communication network (e.g., the Internet; see fig. 8), from a requestor (e.g., gaming software distributor 53) for a license to use an approved gaming software program; receiving an indication of payment for the license (billing information in e.g., paragraphs 110 and 138); and downloading the approved gaming software program to the requestor in response to the indication of payment (see at least paragraphs 126-134).

Regarding claims 2 and 3, Nguyen teaches wherein the request is received over a secure communication path within the communication network, including a virtual private network (see at least paragraphs 118 and 127).

Regarding claims 4 and 15-16, Nguyen teaches wherein the requestor is a second game server (e.g., software distributor 53), the method further comprising: subsequently downloading the approved gaming software program to one or more gaming terminals, which ultimately receive and execute the approved gaming software (see at least fig. 9 and paragraphs 125-127).

Regarding claim 5, Nguyen teaches wherein subsequently downloading comprises: the second game server (e.g., software distributor 53) authenticating the one or more gaming terminals (such authentication is taught at least by virtual private networking between the server and gaming machine); the second server encrypting the approved gaming software program (encrypting is taught at least by virtual private networking between the server and gaming machine); and the second game server transmitting the approved gaming software program over the communication network (see at least fig. 9 and paragraphs 125-127).

4. Claims 7-8 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2003/0069074 to Jackson (hereinafter "Jackson").

Regarding claim 7, Jackson teaches a method comprising receiving a notification of approval of (previously) unapproved gaming software, over a communication network, the notification of approval indicating compliance of the (previously)

unapproved gaming software with a plurality of regulations (see at least paragraphs 177-178 and fig. 11); and changing a status of the unapproved gaming software to form approved gaming software (see paragraph 178).

Regarding claim 8, Jackson teaches forwarding the unapproved gaming software over the communication network to a lab (e.g., user interface 614 representative of a gaming official checking the game and authorizing use of the game 402 and gaming system 400), the lab configured to test compliance of the unapproved gaming software with the plurality of regulations.

Regarding claim 18, Jackson teaches a computer-readable medium having program instructions stored thereon to perform a method, which when executed within an electronic device, result in: receiving a notification of approval of (previously) unapproved gaming software, over a communication network, the notification of approval indicating compliance of the unapproved gaming software with a plurality of regulations (see at least paragraphs 177-178 and fig. 11); and changing a status of the unapproved gaming software to form approved gaming software (see paragraph 178).

Regarding claim 19, Jackson teaches wherein the method executed further results in: forwarding the unapproved gaming software over the communication network to a lab (e.g., user interface 614 representative of a gaming official checking the game and authorizing use of the game 402 and gaming system 400), the lab configured to test compliance of the unapproved gaming software with the plurality of regulations.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6, 9-13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Jackson.

Regarding claim 10, Nguyen teaches receiving a request to purchase a license for the approved gaming software, the license entitling a holder of the license to use the approved gaming software (see above regarding claim 1); and forwarding, using another of the plurality of secure communication links, the approved gaming software to a gaming device of the secure gaming system upon receipt of a payment for the license, the gaming device owned by the holder of the license (see at least paragraph 116, stating that "The gaming software distributors, such as 53 and 60, may be gaming devices, such as game servers, that are maintained by a gaming entity such as a casino"). Nguyen recognizes regulatory needs in the gaming industry stating, "[G]aming software is usually very highly regulated and in most gaming jurisdictions only approved gaming software may be installed on a gaming machine" (paragraph 16). Nguyen lacks in explicitly teaching forwarding unapproved gaming software to a jurisdictional lab for approval.

As discussed above, Jackson teaches a method comprising receiving unapproved gaming software by a game server of a secure gaming system; forwarding,

using one of a plurality of secure communication links within a communication network, the unapproved gaming software to a jurisdictional lab of the secure gaming system (e.g., user interface 614 representative of a gaming official checking the game and authorizing use of the game 402 and gaming system 400), the jurisdiction lab configured to test compliance of the unapproved gaming software with a plurality of jurisdictional regulations and policies (see at least paragraphs 177-178 and fig. 11); receiving a notification of approval of (previously) unapproved gaming software from the jurisdiction lab, the notification of approval indicating compliance of the unapproved gaming software with a plurality of regulations and policies (see at least paragraphs 177-178 and fig. 11); and changing a status of the unapproved gaming software to form approved gaming software (see paragraph 178).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Nguyen to incorporate the features of Jackson in order to fulfill the needs described by Nguyen relating to approval of gaming software by a regulating authority.

Regarding claim 11, Nguyen indicates that gaming software is compiled and tested by a game provider (e.g. gaming software content provider 51), at least because the game provider develops the gaming software (see at least paragraph 113).

Limitations of claims 6, 9, and 20 are taught by the prior art as described herein regarding claim 10. Limitations of claim 12 and 13 are described at least by Nguyen regarding claims 2-3.

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is listed on the attached Notice of References Cited.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. H. M./
Examiner, Art Unit 3714
3/18/2008

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714